

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number _____ Env-Wt 101 various sections _____

1. Agency Name & Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: <u>RSA 482-A:11</u> 3. Federal Authority: <u>N/A</u> 4. Type of Action: Adoption <u>X</u> Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment <u>X</u>
----------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

5. Short Title: Stream Crossings - Definitions

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rules in Env-Wt 100-800 implement RSA 482-A, the Fill and Dredge in Wetlands Act. Env-Wt 101 contains the definitions for the rest of the rules. The definitions in this rulemaking are intended to complement proposed substantive rules and rule amendments relative to stream crossings. Specifically, the definition of "intermittent stream" is being clarified and definitions are proposed for the following terms: 100-year floodplain, ephemeral stream, perennial stream, stream crossing, stream restoration, and watercourse.

6. (b) Brief description of the groups affected:

Any individual or entity that needs or wishes to construct or maintain stream crossings, including state agencies, political subdivisions, and private developers, will benefit from these rules because the terms used will be clearly defined.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section	Statute(s) Implemented
Env-Wt 101.01 (new), Env-Wt 101.37 (new), Env-Wt 101.50 (renumbered from Env-Wt 101.47), Env-Wt 101.69 (new), Env-Wt 101.92 (new), Env-Wt 101.93 (new), Env-Wt 101.107 (new)	RSA 482-A:3, I; RSA 482-A:11, II

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Karla McManus	Title: Wetlands Rule Coordinator
Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #: 271-7514 Fax#: 271-6588 E-mail: Karla.McManus@des.nh.gov

The rules also can be viewed in PDF at <http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm> TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Friday, September 18, 2009**

☒ Fax ☒ E-mail ☐ Other format (specify): _____

RULEMAKING NOTICE FORM - Page 2

9. Public hearings scheduled for:

Date and Time: **Tuesday, September 1, 2009, 10:30 a.m. to 12:30 p.m.**

Place: **Rooms 112, 113 & 114, DES Offices, 29 Hazen Drive, Concord, NH**

Date and Time: **Thursday, September 3, 2009, 6:00 p.m. to 8:00 p.m.**

Place: **Littleton Community House, 120 Main Street, Littleton, NH**

Date and Time: **Tuesday, September 8, 2009, 6:00 p.m. to 8:00 p.m.**

Place: **Keene Public Library, Ruth Huntress Auditorium, 60 Winter Street, Keene, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 09:112 , dated 07/15/09

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The rules thus do not impose any new, expanded, or modified requirements on political subdivisions and so do not violate Part I, Article 28-a of the N.H. Constitution.